

REMARKS

Claims 28-58 and 71-107 have been presented for examination. Claims 28-30, 32, 33, 35-39, 42-46, 48, 50-55, 58, 71, 73-82, 84-92 and 95-107 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,984,881 to Ishibashi *et al.* either alone or in view of U.S. Patent No. 4,526,168 to Hassler *et al.* Furthermore, claim 94 has been rejected under 35 U.S.C. §112 for adding a structural refinement rather than modifying a method step. Claims 31, 34, 40, 41, 47, 49, 56, 57, 72, 83 and 93 have been objected to as depending upon a rejected base claims but are otherwise considered to be allowable. Claim 94 would also be allowable if placed in independent form and the Section 112 rejection is overcome.

Applicant wishes to thank Examiner Jaworski for his time and courtesy in conducting a telephone interview on February 19, 2003. During the interview, applicant's attorney explained how the cited references, particularly the Ishibashi *et al.* patent, distinguish over the rejected claims. In particular, it was noted that the Ishibashi *et al.* patent does not teach transmitting ultrasound at a first frequency and then using reflections of that transmitting ultrasound at a harmonic of the first frequency to produce a three-dimensional image of tissue or fluid in the body. As a result of the interview, the Examiner agreed that all of the claims in the application patentably distinguish over the cited references and that in interference would be declared.

During the interview, the Examiner and applicant's attorney proposed various modifications to the claims to improve the form of the claims. In particular, it was suggested that claims 28, 43, 71, 82, and 89 and the claims dependent thereon be revised to clarify that the three-dimensional ultrasonic images obtained using applicant's system and method where images of body tissue or fluid. Finally, the Examiner suggested that the term "3 dimensional" be changed to "three dimensional" to be consistent with claims 103-107. These revisions are being made in this response. None of these revisions alter the scope of the original claims but are instead being made to improve the form of the claims and clarify their original meaning.

One issue that was not discussed during the telephone interview was the Section 112 rejection of claim 94. This claim has been rejected on the basis that it does not further limit the subject matter of claim 89 from which it depends but instead modifies a structural feature.

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Although applicant believes it is proper for a structural limitation in a method claim to be further limited in a dependent claim, applicant is canceling claim 94 because it is somewhat redundant in view of claim 93. Claim 85 is also being cancelled because it is considered redundant.

Insofar as claims 28-58, 71-84, 86-93 and 95-107 are now in condition for allowance, favorable consideration is earnestly solicited.

Respectfully submitted,

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Enclosures:

Fee Transmittal Sheet (+ copy)

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